

**MINISTRY OF JUSTICE
AND HOME AFFAIRS**

OPEN SOCIETY FORUM

UNDP

“Access to Justice ”

Needs assessment report

2005

"Access to Justice "needs assessment report

Title

1. "Access to Justice" needs assessment research
 - 1.1 Awareness.
 - 1.1.1. People's awareness about justice institutions.
 - 1.2 Access.
 - 1.2.1. Access to legal information.
 - 1.2.2. Access to judicial institutions.
 - 1.2.3. Access to administrative institutions.
 - 1.2.4. Factors influencing legal disputes.
 - 1.3. Confidence.

Evaluation

Attachments

- I. Research methodology
- II. Research sampling framework
- III. Research quantitative results

Introduction

The United Nations Development Programme (UNDP), the Ministry of Justice and Home Affairs of Mongolia and Open Society Forum have jointly organized the "Access to Justice" needs assessment research among 1200 residents in Arkhangai, Darkhan Uul, Omnogobi, Khovd, Khuvsgul, Khentii aimags and 7 districts of Ulaanbaatar. (see the attachment for research methodology, sampling, summary and other related information)

The goal of the research was to assess the people's awareness of legal information, dissemination and aid institutions; their confidence in above institutions; real needs and justifications for legal aid; access to protection services provided by state and non governmental organizations; conditions for applying to legal monitoring and dispute solving institutions and other organizations; educational, cultural, social and psychological factors influencing access to justice and determine methods of improving access to effective legal information and aid to people and ways of providing legal assistance to low income population.

The research aimed to cover three main elements forming part of access to justice as conceptualized in the research: awareness, access and confidence.

Awareness- People's level of awareness of state and non governmental justice institutions;

Access- People's access to state and non-governmental justice institutions.

According to the world standards the access to justice is defined that people must be able to protect their rights as citizens through judicial state and not state institutions. The main factor of access to justice is the legal environment directed towards the protection of people's rights and existence of institutions practicing those rights. Moreover, to strengthen the access to justice people must be aware of their rights and ways to protect their interests if rights are violated and plus to the above people must be able to approach institutions and mechanisms providing aid and assistance. Furthermore, people's confidence in institutions and their activities are essential in access to justice.

Confidence- People's level of confidence in justice institutions and in new future institutions.

1. "Access to Justice" needs assessment research.

1.1. Awareness.

One of the prerequisites for access to justice is that people are aware of their basic rights and the legal institutional framework that protects those rights. To measure the level of awareness, participants were asked a number of questions regarding their familiarity with the existing legal institutions and their practices. Questions covered judicial, administrative and other related supporting institutions.

From the research findings:

Around 47.4 % of people find the legal information and dissemination as important, 33.7 % as very important, 11.5 % as average, 4% as not important and 3.4 % as do not know which indicate the importance of legal information and dissemination and people's relatively high level of awareness.

To measure a familiarity with justice institutions (Ministry of Justice and Home Affairs; National legislative center; Governor's office on all levels; People's committee; international and foreign programs and projects dealing with law; NGOs; Legal bureau) 52 % of people indicated as average, 28.9 % as not good, 11% as do not know at all. From research participants only 9.1% or the lowest percentage assessed the awareness of justice institutions as " good" which indicate the low, unsatisfactory level of awareness among people.

According to people's educational level from participants answered as " good" 60.7 % have higher educational degrees in comparison to people with primary and no education who did not assess as " good" at all.

According to age group from people answered as "good" 45.4% are 36-50 years old, from people answered as "do not know at all" 36.6% or the highest percentage are 26-35 years old.

The above indicate the need for the justice institutions to target their activities towards people with primary and no education and youth.

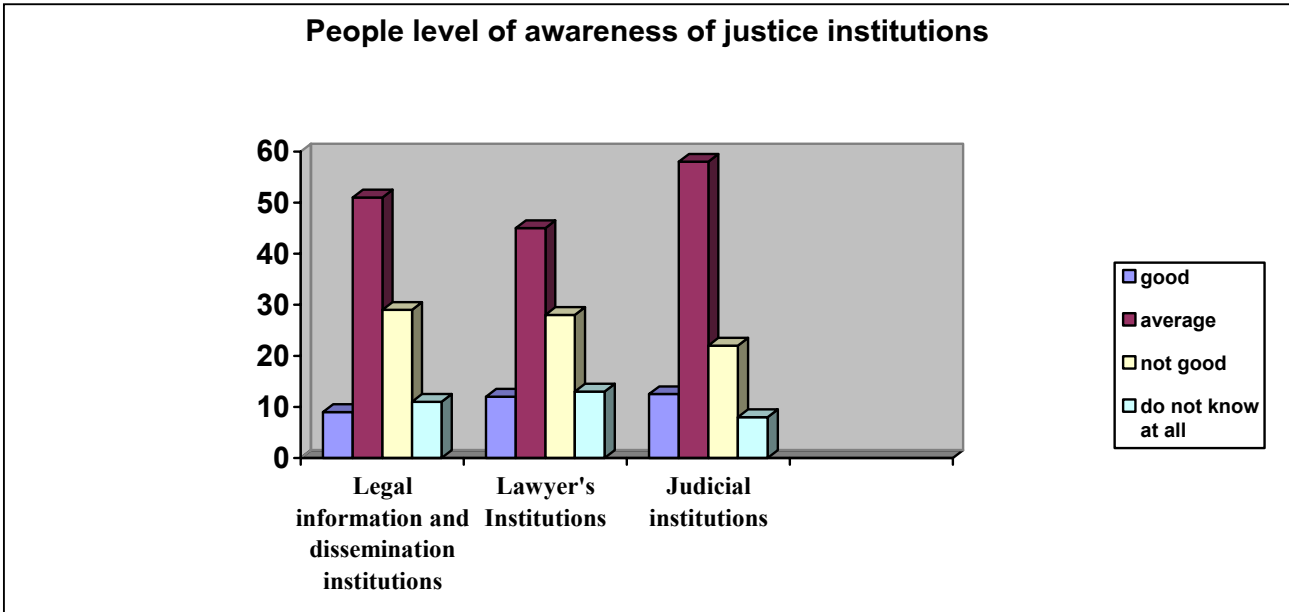
The research emphasizes the importance of mass media among dissemination methods in advertisement of activities of justice institutions, 45.1 % have found the role of mass media as " very important", 44.6% as " important" , 7.4 % as " average", 1.8 % as " not important" and 1.1 % ` not important at all".

Research participants' level of awareness of judicial institutions (court, procuracy, police, investigation office and etc) is low, for example 55.9% assessed as average, 24 % as bad, 13.5 % as good and 6.6 % as do not know at all. This condition may lead to the inability of people to access judicial institutions to protect own rights and interests.

According to the age group 51.2 % from 18-25 years old, 53.6 % from 26-35 year old, 61.4% from 35-50 years old, 51.5% from 51-60 years old and 54.7 % from 61-more years old people have assessed their awareness of the above institutions as " average". In general, all age groups have " average" awareness of judicial institutions.

To assess the people's awareness of lawyer's aid, 45.3 % indicated as average, 28.6 % as bad, 14.1 % as do not know at all and 12 % as good. He majority of participants regardless of their employment type have assessed their familiarity with lawyer's aid as "average".

Even though people have low level of familiarity with lawyer's aid the importance of lawyer's involvement was assessed as relatively high. The following indicates: 41.0 % find lawyer's involvement as " very important", 37.3% as ` important", 10.3 % as ` average", 7.9 % as " do not know", 2.5 % as " not important" and 1.1 % as " not important at all".



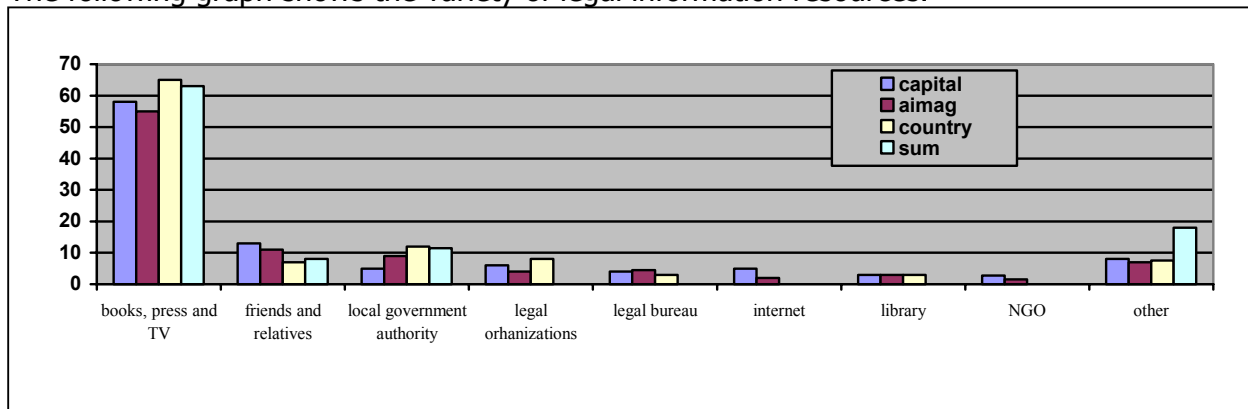
1.2. Access.

In addition to awareness, people's actual access to the legal institutional practice is central to the establishment of a society governed by the rule of law. If activities of legal institutions are out of reach for people the main principles of legal state will be lost. To explore the issue of access, participants were asked a number of questions about where they obtain legal information and whether they have made use of legal institutions.

In order to explore people's perceptions about their access to justice, participants were also asked to indicate the importance of some selected factors influencing their decision whether or not to initiate proceedings, and of factors influencing the positive outcome of a case.

1.2.1. Access to legal information

The following graph shows the variety of legal information resources.

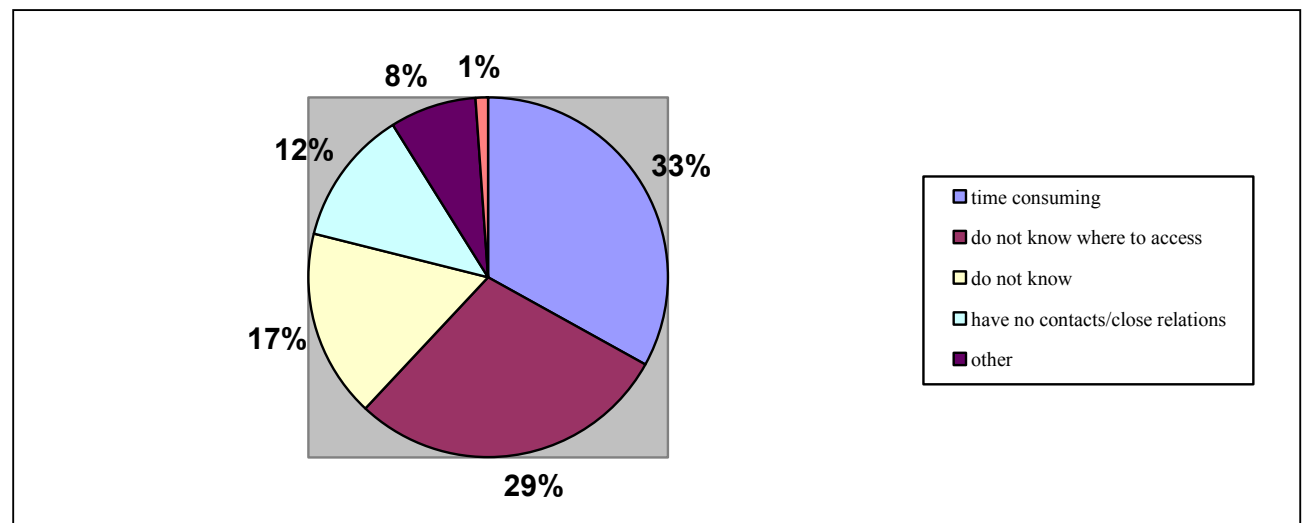


The above indicate that the majority of participants access legal information through books, press, TV and their friends and relatives. People rarely use legal institutions and bureaus to obtain information and it is only 3.3-3.7 % in the research. Particularly, people living in sum centers and countryside do not use legal bureaus at all and only

6.8 % approach legal institutions. It could be based on the fact that there is a shortage of lawyer's services and legal bureaus, furthermore it's absence. They obtain more information from local administrative institutions.

1.2.2. Access to judicial institutions.

About 31.5 % of research participants have accessed judicial institutions. From which 33.6 % used the legal institutions to protect their rights. However, the rest 66.4 % were not able to use and solve their problems through judicial institutions. Their reasons are shown in the following graph.

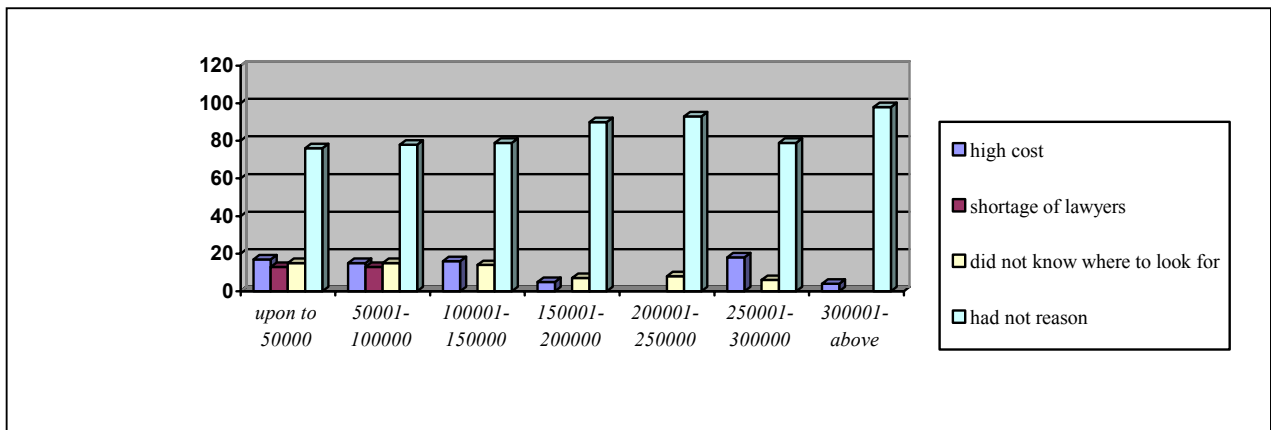


To add, some participants have made additional notes as "bureaucracy, corruption" which was absent in the questionnaire.

According to educational level 66.7 % of people who were not able to access Judicial institutions are uneducated (can read and write only). The majority of people or 27.2 % who answered that they were not able to use judicial organizations because "had no contacts/close relations" as their reason were uneducated or had primary education.

Only people with higher and vocational education gave additional answers as "bureaucracy, corruption".

The questionnaire included several questions about the access to lawyer's services. From total number of participants 84.1% have not used it and 15.9% were involved in lawyer's service. To reasons for not accessing lawyer's aid 78.4% answered as not having necessity, however 10.7% indicated the high cost, 10.4% lack of knowledge where to look for and 0.4 % shortage of lawyers. The above data, half of the people who needed lawyer's aid but could access it because of the "high cost" show that people do not practice their rights stated in the article 16.14 of the Constitution " ... to be protected by lawyer, receive legal aid..." for payment reasons. If compare people who have not received lawyer's aid by the household income:



To assess the access of people to state financed free lawyer's services - 3.3 % used it and from which 79.4% have 9 000-100 000 tugrics income. From these people 31.8 % do not know how to assess the quality of aid, 29.2 % think of it as poor quality because it is free, 25.7% are unsatisfied and 23.3 % find it a good quality.

To identify the reasons for not using this kind of aid 61.6% answered as not having reasons, 19.1 % as not knowing about the aid, 11.1% as not belonging to the low-income group and 8.8 % not having access. This indicates that the majority of people does not know and have poor idea about the free of charge lawyer's service for low-income population.

1.2.3. Access to administrative institutions.

One of the main goals of "Access to Justice" research is an assessment of local administrative institutions. For this reason participants answered to a question "Have you ever approached Governor and Governor's office to solve the dispute?" and 60.8 % said no, 39.2 % yes. It is vivid from related questions that people did not fully receive legal aid from Governor of sum, district, бага and khoroo and its Governor's office: 59.5 % answered that could not receive " full" information and assistance from Governor's office, 30.7% " could" and 9.7% " other".

From participants who did not use Governor's service 64.5% had not reason, 13.5 % did not know that Governor can help, 11.5 % thought the Governor's legal knowledge is limited and 10.5 % found it time consuming. This indicates that majority of people who had reasons but did not approach the Governor "did not know the Governor provides this kind of service".

Finally to question about the Governor's office legal department workers legal aid 35.2% of participants did not know about it, 32.0% found it unsatisfactory, 21.0% used it and 11.8% could not get help. From the above we can evaluate that people also do not know that the Legal department workers of Governor's office provide legal aid and in other hand legal department workers do not provide satisfactory legal assistance to people.

1.2.4. Factors influencing legal disputes

In this section of the research questions about factors influencing the fair decisions in the legal dispute were included. In this question each influencing factor was assessed by 4 scores, for example: "fair judges, state officials" was assessed as– 3.8 %, " legal regulations related to the conflict are clear and specific" as– 3.7, "having a good lawyer" as– 3.7, "having financial possibilities" as - 3.0, "having good/close contacts" as- 2.8.

The factor of having fair judges and officials was considered as " very important" by 88.9% of research participants.

Taking into consideration the location:

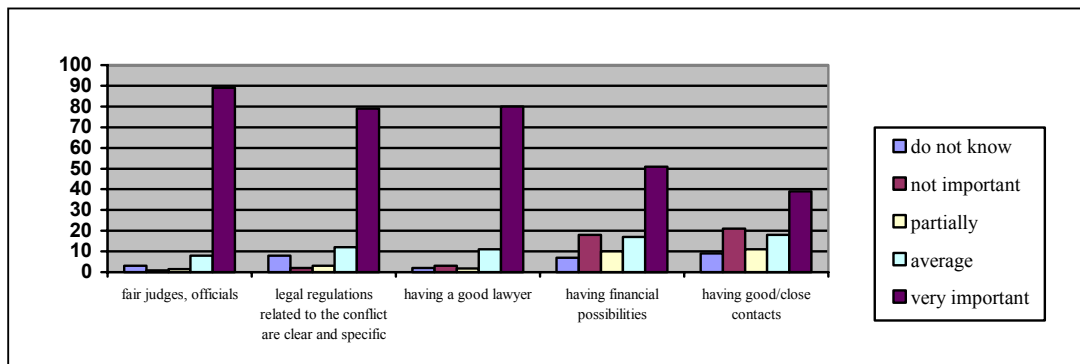
The majority of people living in the capital answered " not important" to a question of having "having good/close contacts" majority of people living in aimag centers as " very important", majority of people living in the sum centers as " average" and majority of people living in the countryside as " do not know".

Also by location to a factor of having " a good lawyer" the majority of people living in the capital said " very important", aimag center people as " partially" and people living in sum centers and countryside as " not important".

The factor of having "good/close contacts" was considered as "very important" by majority of capital citizens, "partially" by aimag center and countryside people, "do not know" by sum center people.

The importance of "financial possibilities" factor was considered as "very important" by capital city people, as "partly" by aimag center and countryside people and as "do not know" in sum centers.

The research findings indicate that factors as "having good/close contacts", "having a good lawyer" and "having good/close contacts" were found very important by capital city people, however people living in countryside answered as " do not know" " not important and partially". Particularly, to " having a good lawyer" factor majority of capital city people answered as "very important", however, countryside people as " not important" which show low level of their awareness about benefits of legal aid.



The findings of the research indicate that people have inadequate and imbalanced access to organizations providing legal information, dissemination and aid and find the dispute solution proceedings too costly. However, in total people consider fair and open principles more important.

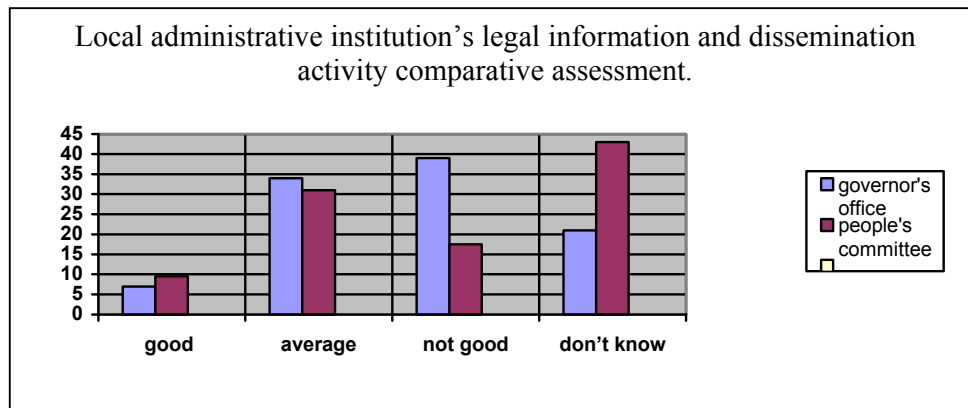
1.3 Confidence.

Public confidence in institutions that in a place to deliver state services is important. The following findings indicate the present level of it:

To the question of fairness of legal institutions activities (court, prosecutor, police, lawyers) 44.6 % of the research participants assessed as relatively fair with some exceptions, 29.4% as rare, 19.4% do not know and 6.6 % as fair.

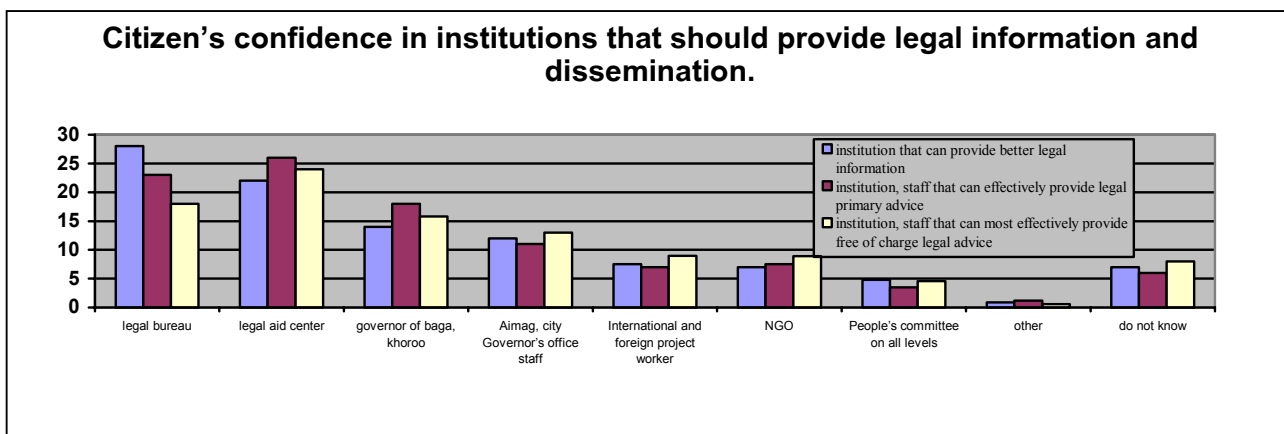
The majority of participants hesitate in fairness of the legal institutions' activities and very small percentages think of it as fair, which indicate that the confidence level in legal institutions is very low.

Except the legal institutions the questions about legal information and dissemination activities of local administrative institutions were included in the research and from total number of participants 7.7% assessed the Governor's office activity related to the legal information and dissemination as good, 32.9% as average, 38.9 % as not good and 20.5 % as do not know. When assessing the People's committee 9.5% answered as good, 31.1 % as average, 17.8% as not good and 41.6 % as do not know. The above assessment is shown by graphic below.



From the above people have assessed their local Governor's office activity related to the legal information and dissemination as not satisfactory or "not good", "average" and the People's committee work as unsatisfactory and people do not have clear understanding of the above institutions' information and dissemination duties. It could be linked to the poor and low level of related activities organized by institutions among population.

The research also sought to identify confidence of citizens by question about whom and what institutions they think can most effectively provide legal aid.



From the above graphic the most participants assessed the legal aid center (if established) as the most effective for the primary legal advice. When considering the educational level:

The majority of participants with higher educational level have pointed "legal bureau", "legal aid center", "Aimag, city Governor's office staff"; the majority of participants with vocational and secondary education "legal bureau", "legal aid center"; citizens with primary education and without education "Governor of бага and khoroo".

When considering the location: 80 % of citizens living in the capital have assessed "legal bureau", "legal aid center"; 73.9% of people living in aimag centers "legal bureau", "legal aid center" and 20.3 % "Aimag, city Governor's office staff"; 45.8% of citizens living in sum centers "legal bureau", "legal aid center" and 41.7 % "Governor of бага and khoroo"; 67.5% of countryside citizens "Governor of бага and khoroo" as more effective in dissemination of legal information.

From the graphic it is visible that the "Legal aid center" was named as institution which can effectively provide related legal information. When considering the education and location the above results are consistent.

Moreover, the majority of participants named the "Legal aid center" as an institution capable of providing the free of charge advice for public.

Asked to rate the possibility of free of charge lawyer's services to low income population 64.6% of participants answered that establishment of separate institution, 27.1% particular state institution, official taking on the responsibilities would be a solution and 8.3% do not know. These indicate that citizens support the establishment of "separate institution" to assist low-income population with free legal aid.

1. Awareness of legal information, dissemination and aid institutions.

All research participants have limited knowledge of state financed services for the low income population provided by institutions protecting citizens' rights, particularly judicial and lawyer's organizations and legal bureaus. People living in countryside and sums are

aware of their local administrative institutions, however they assessed those institutions legal aid, information and dissemination as low quality.

In general, the level of awareness is low among participants with low income, poor education and living in rural areas and sums.

2. Access to legal aid.

The research participants to certain degree have positively evaluated the present channels of legal information and dissemination; however, it is common for people to obtain information through easily available sources such as friends, neighbors or relatives, and mass media.

The level of access to legal bureaus, lawyer's organizations and other legal aid institutions is relatively low, particularly it is very low among low-income population living in the sum centers in the countryside.

Even though for people who were not able to obtain legal and lawyer's aid for their needs the high cost is one of the influencing factors, the research show all participants agreed that non discriminating judges, clear legislative regulations related to the issue are also very important factors in having a just decision.

3. Confidence in legal information, dissemination and aid institutions.

The research shows the participants are not fully confident and hesitate about honesty and protection of citizen's rights by legal and administrative institutions providing legal aid.

However, confidence in legal bureaus and legal aid centers is relatively high among institutions providing legal information, dissemination and aid services.

The following were found as a result of the research on the scope of legal information, dissemination and aid institutions and awareness, confidence and access of people to local administrative and legal institutions:

- The activities of the above institutions do not reach people on the satisfactory level. Therefore, it is necessary to increase and improve the services and access to people.
- Access to legal information and dissemination differs on the different social levels and the access to information of countryside people is low.
- The awareness of people about activities of institutions included in the research is not satisfactory which decreases the confidence in those institutions. In other words, shortage of information creates the wrong image and perception of the whole system. Mistrust creates to some degree the conditions for the inability to have an access to services provided by the legal and administrative institutions. Furthermore, to increase the awareness of people the access to legal information and dissemination should be improved.

Recommendations:

- To establish the “ Legal Aid Center” for low-income population. The center can be more effective and closer to public if placed next to the local administrative institutions, which by the research proven to be the closest instance for local people.
- Legal information and dissemination institutions should be aware of the fact that usage of books, press, TV, radio and other media channels are much more effective to reach public.
- Aimag and city Governor’s Office legal department workers should work effectively and closer to citizens and provide clear understanding of their activities and duties.
- Legal information and dissemination should be targeted for the particular social groups and organized according to their specific needs.
- In order to deliver effectively the legal information and dissemination to countryside people and vulnerable groups of the society the work of legal information and dissemination institutions should be combined with efforts of poverty elimination and regional development programs and projects.

Appendix

Research methodology

Timing: The research took place from 1 April 2004 to 20 May 2004.

Research procedures: participants were interviewed and asked to complete the questionnaires.

Research areas: Khentii, Omnogobi, Darkhan-Uul, Khovsgol, Arkhangai, Khovd aimags and Songinokhairkhan, Bayangol, Sukhbaatar, Bayanzurkh, Khan-Uul, Nalaikh and Baganuur districts were selected as areas representing geographical and population variety.

Sample characteristics: The sample of 1200 interviewees was distributed as representing a cross section of society according to age, gender, education, employment, and income from selected aimags and city districts.

Appendix

Sample characteristics:

Geographic areas	
Capital	50 (in percentage)
Aimag center	42.5
Sum center	4.1
Countryside	3.4
Gender	
Female	51.4
Male	48.6
Age group	
18-25	16.8
26-35	34.2
36-50	35.9
51-60	8.7
60-more	4.4
Average income	
9000- 50000	29.6
50001- 100000	41.0
100001- 150000	12.5
150001- 200000	9.3
200001- 250000	2.2
250001- 300000	2.1
300001- more	3.4
Education	
Higher	45.3
Vocational	17.5
Secondary	24.3
Basic	9.8
Primary	2.5
Only literate	0.6
Illiterate	-
Employment	
Private sector	24.7
Unemployed	21.3
Civil servants	18.3
Retired, disabled	4.9
Reception, driver, cleaner, cook, security and etc	7.8
Translator, journalist, manager and etc	1.9
State administrative workers	6.9
Economist, bookkeeper, engineer and technical workers	3.1
Students	6.8
Workers in non public organizations	0.1
Nomads	4.3

Appendix

The total result of the " Access to Justice" needs assessment research. (total = 1200)

1. How important is legal information in your daily life?

	Percentage
1. Very important	33.7
2. Important	47.4
3. Average	11.5
4. Not important	4.0
5. Do not know	3.4

2. Identify which of the following you have accessed to get legal information?

	Percentage
1. Friends and relatives	12.6
2. Library	2.1
3. NGO	1.3
4. Local government authority	7.2
5. Legal aid office	3.3
6. Press and mass-media	59.5
7. Internet	3.3
8. Legal organizations	3.7
9. Had no access at all	7.1
10. Other	0.2

3. How would you rate your awareness about the means of legal information dissemination?

	Percentage
1. Good	9.1
2. Average	51.0
3. Not good	28.9
4. Do not know at all	11.0

4. Rate your level of familiarity with functions of court/procuracy/ the police/inspector and etc?

	Percentage
1. Good	13.5
2. Average	55.9
3. Not good	24.0
4. Do not know at all	6.6

5. Have you ever had an experience of approaching judicial institutions, court/police/inspector/prosecutor and etc?

	Percentage
1. Yes	31.5
2. No	68.5

6. In this case (stated in 5) were you able to contact necessary institutions?

	Percentage
1. Yes	33.6
2. No	66.4

7. In this case (stated in 6) if you could not contact judicial organizations what was the reason?

	Percentage
1. Time consuming	28.6
2. Costly	10.2
3. Do not know how to approach	25.1
4. Do not have a familiar person	6.6
5. Do not know	14.7
6. Had not reason	13.6
7. Bureaucracy, corruption	1.1

8. Rate your level of familiarity with lawyer's services?

	Percentage
1. Good	12.0
2. Average	45.3
3. Not good	28.6
4. Do not know at all	14.1

9. Have you ever received assistance from a lawyer?

	Percentage
1. Yes	15.9
2. No	84.1

10. If you have not received any, for what reasons?

	Percentage
1. Costly	10.7
2. Scarcity of lawyers	0.5
3. Do not know where to go	10.4
4. Had not reason	78.4

11. Your opinion on possibilities of free of charge lawyer's services to low-income population?

	Percentage
1. Establish special organizations dealing with the issue	64.6
2. Specific officials and organizations to be in charge	27.1
3. Do not know	8.3

12. Have you ever received free of charge lawyer's services financed by the government for the low-income population?

	Percentage
1. Yes	3.3
2. No	96.7

13. How do you assess the quality of the above (stated in 12) service?

	Percentage
1. Provide quality services	13.3
2. It is low quality because it is free of charge	29.2
3. Unsatisfactory	25.7
4. Can not make assessment	31.8

14. If you have not received any services (stated in 11) what are the reasons?

	Percentage
1. Had no idea about this kind of service	19.1
2. Do not belong to the low income group	11.1
3. Was not provided by this possibility	8.8
4. Had no reason to apply for the advocacy services	61.1

15. How important do you think the following factors are to having a just decision in legal dispute?

	Percentage
1. Fair judges, state officials	3.8
2. Legal regulations related to the conflict are clear and specific	3.7
3. Having a good lawyer	3.7
4. Having good/close contacts	2.8
5. Having financial possibilities	3.0

16. In your opinion do legal institutions court/police/prosecutor/advocate function according to law?

	Percentage
1. Deal honestly according to regulations	6.6
2. Most deal honestly but some percentage violate the law	44.6
3. It is rare to follow the law	29.4
4. Can not say	19.4

17. How would you evaluate the level of dissemination of legal information by your local Governor's Office?

	Percentage
1. Good	7.7
2. Average	32.9
3. Not good	38.9
4. Do not know	20.5

18. How would you evaluate the level of dissemination of legal information by your local People's committee?

	Percentage
1. Good	9.5
2. Average	31.1
3. Not good	17.8
4. Do not know	41.6

19. Have you ever approached the Governor of sum, district, бага, khoroo to settle a dispute in the past?

	Percentage
1. Yes	39.2
2. No	60.8

20. Were you able to receive assistance if you approached them (stated in 19)?

	Percentage
1. Could	30.7
2. Could not receive a full assistance	59.5
3. Could not	9.7

21. If you have not approached (stated in 19) why?

	Percentage
1. It is time consuming to approach the Governor	10.5
2. Thought that the Governor's legal knowledge is limited	11.5
3. Had not reason	64.5
4. Governor is not in charge of it	13.5

22. In your opinion do Legal Department workers of the Governor's Office help citizens?

	Percentage
1. Help	21.0
2. Not satisfactory	32.0
3. Do not help	11.8
4. Do not know	35.3

23. How do you evaluate the lawyer's role in dispute solving?

	Percentage
1. Very important	41.0
2. Important	37.3
3. Average	10.3
4. Not important	2.5
5. Not important at all	1.0
6. Do not know	7.9

24. What is the role of mass media in legal information and dissemination?

	Percentage
1. Very important	45.1
2. Important	44.6
3. Average	7.4
4. Not important	1.8
5. Not important at all	1.1

25. In your opinion what organization, official can provide you with better legal and legislative information? (select 1-2 answers)?

	Percentage
1. Aimag, city Governor's Office worker	11.2
2. Governor of baga, district	14.5
3. NGO	6.4
4. Legal Bureau	28.2
5. Center for legal assistance	21.2
6. International and foreign project worker	6.7
7. All level of people's committee	4.9
8. Other	0.4
9. Do not know	6.6

26. In your opinion what organization can effectively deliver the primary legal advice to people? (select 1-2 answers)

	Percentage
1. Aimag, city Governor's Office worker	10.7
2. Governor of baga, district	17.2
3. NGO	6.8
4. Legal Bureau	23.6
5. Center for legal assistance	25.3
6. International and foreign project worker	6.4
7. All level of people's committee	4.0
8. Other	0.5
9. Do not know	5.5

27. In your opinion what organization can most effectively deliver the legal advice free of charge? (select 1-2 answers)

	Percentage
1. Aimag, city Governor's Office worker	11.4
2. Governor of baga, district	15.2
3. NGO	8.6
4. Legal Bureau	19.1
5. Center for legal assistance	23.9
6. International and foreign project worker	9.0
7. All level of people's committee	4.7
8. Other	0.2
9. Do not know	8.0